



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SM

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/369,335 08/06/99 KINDSHITA

M 1137-786A

┌

WM01/0731

└

EXAMINER

VINCENT M DELUCA
ROTHWELL FIGG ERNST & KURZ
SUITE 701 EAST
555 13TH STREET NW
WASHINGTON DC 20004

TRAN. T	
ART UNIT	PAPER NUMBER

2684

DATE MAILED:

07/31/01

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

AmT

Office Action Summary

Application No.

09/369,335

Applicant(s)

KINOSHITA, MASAKI

Examiner

Tuan A Tran

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheerin (5,748,709) in view of Drake (5,832,062).

Sheerin discloses a programmable answering machine that comprises caller number storage means (See col. 4, lines 55-60), answer message storage means 8,10 (See fig. 2), and answer message selecting means 26 (See fig. 1 and col. 4, lines 61-67 and col. 5, lines 1-19). Sheerin, however, does not teach the use of timer means.

Drake discloses an automated voice mail/answering machine greeting system that comprises the timer means 50, which gives the exact date and time of the incoming call (See fig. 1A, col. 4, lines 5-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a timer means 50, as disclosed by Drake, in the programmable answering machine as disclosed by Sheerin, for the advantage of providing the time of the incoming call for the user.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheerin (5,748,709) in view of Drake (5,832,062) as applied to claim 1 above, and further in view of Fuller et al. (5,610, 970).

Sheerin & Drake discloses as cited in claim 1. However, both fails to include time-dependent control codes in relation to caller numbers.

Fuller discloses a telephone system with scheduled handling of calls that comprises programmable 'mode memories' which refer to database and determine the correct handling method for the day of week, and time of day, and deliver the call accordingly. (See col. 9, lines 57-67 and col. 10, lines 1-25)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included such modes as disclosed by Fuller in the device as disclosed by Sheerin & Drake, for the advantage of delivering selected answer messages to designating callers. This will give the callers options to call back or leave messages.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheerin (5,748,709) in view of Drake (5,832,062) as applied to claim1 above, and further in view of Chin (5,661,788).

Sheerin & Drake discloses as cited in claim 1. However, both fail to include forced alert codes in relation to caller numbers.

Chin discloses method and system for selectively alerting user and answering preferred telephone calls that comprises a alert mode that designates how the user will

Art Unit: 2684

be notified of incoming calls from the designated telephone numbers. (See fig. 2 and col. 3, lines 9-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add such mode as disclosed by Chin in the device as disclosed by Sheerin & Drake, for the advantage of notifying the user the designated incoming calls so that the user can either pick up the call, or let the answering machine take it.

5. Claims 4 -5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheerin (5,748,709) in view of Drake (5,832,062) as applied to claim 1 above, and further in view of Oshima (6,081,704).

Sheerin and Drake discloses as cited in claim 1. However, both fail to include locked dialing codes and voice mail codes.

Oshima discloses control codes 7 that allow user to lock all key operations. (See fig. 2 and col.7, lines 40-47). The examiner takes an official notice that the control codes can be modify to allow user to set up the voice mail. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include such codes as disclosed by Oshima in the device as disclosed by Sheerin & Drake, for the advantage of preventing unauthorized access.


Art Unit: 2684

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Tran whose telephone number is (703) 605-4255. The examiner can normally be reached on Mon-Fri, 6:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel S Hunter can be reached on (703) 308-6732. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

TUAN TRAN
July 27, 2001


DANIEL HUNTER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600